

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY L. BROWN,

Plaintiff, Case No. 2:02-cv-02645 ALA (P)

vs.

D.L. RUNNELS, et al.,
Defendants.

ORDER

Plaintiff Gregory Brown is proceeding *pro se* and *in forma pauperis* in the civil rights action pursuant to 42 U.S.C. § 1983. On April 22, 2008, Defendant Jeffrey Rohlfing, M.D., filed a motion for summary judgment (Doc. No. 144). Plaintiff filed a response in opposition to that motion on May 27, 2008 (Doc. No. 153). Both parties filed supporting declarations with their motions.

Plaintiff states in his declaration that “ defendant Dr. Rohlfing subjected [Plaintiff] to unnecessary pain and suffering by deliberately prescribing pain medication in which he knew would not ease [Plaintiff’s] bilateral hips pain and by ignoring [his] requests for stronger and appropriate pain medication ” (Doc. No. 153 at 2). He states that “Rohlfing’s actions and/or omissions were not because of his professional medical judgment, but instead due to his personal animosity toward [Plaintiff] (Doc. No. 153 at 2).

1 Defendant Rohlffing asserts in his declaration that “[as] a staff physician, [he] had no
2 control regarding High Desert State Prison’s policy that prohibited the prescription of narcotics
3 for inmates, including those housed in Administrative Segregation, unless being treated as an
4 inpatient in the Central Treatment Center” (Doc. No. 144, Exhibit C at 23). In both his
5 Opposition and Declaration, Plaintiff disputes the fact that prison policy prevented Defendant
6 Rohlffing from prescribing the medication requested by Plaintiff (Doc. No. 153). Neither party
7 has produced evidence to support their statements.

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9 The parties are ORDERED to:

10 1. Produce evidence in support of the above statements from the parties declarations
11 regarding High Desert State Prison policy by June 14, 2008. If possible, provide the relevant
12 provision of High Desert State Prison's medical policy.

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14 || DATED: June 4, 2008

/s/ Arthur L. Alarcón
UNITED STATES CIRCUIT JUDGE
Sitting by Designation